

2. Kindly provide the all orders/notification so issued forming the Disciplinary Committee (s) under the Advocates Act to inquire into the complaints against Advocates in J&K.
3. Kindly provide the names of the Advocates against whom the complaints before the Disciplinary Committee are pending with the date of filing of the complaint, name & particulars of complainant and the latest status of each complaint.
4. Kindly provide the information as to how many of these complaints are pending since more than 1 year-how many are pending beyond 1 year and how many are within 1 year? Also provide the data as to how many have been disposed off within last 3 years.
5. Kindly provide the applicant with the order by virtue of which the complaints pending before the Registrar Vigilance were transferred to the Disciplinary Committee and the list of these complaints which were transferred to the Disciplinary Committee in the last 2 years. The last status of these complaints before the Registrar Vigilance may be also informed.
6. Kindly provide the information as to how many appeals have been filed before the Bar Council of India and how many orders of the Disciplinary Proceedings/final orders impugned before the BCI and stayed.
7. Kindly provide the applicant with the copies of the Notifications/Orders or circulars asking the advocates to get enrolled in the J&K Bar Council's rolls who were enrolled outside the State and get the membership transferred.
8. Whether the High Court of J&K has issued any notification or order to hold elections to the J&K Bar Council at any time after the extension of the Advocates Act to J&K. Copies of such

orders/communications/notifications aiming to hold elections or preparation of draft electoral rolls or setting process of election in motion may be provided to the applicant.

9. Kindly provide the applicant with the information as to whether representations were moved by Advocates(s) or other people from 1990 till date to the Hon'ble High Court and its Hon'ble Chief Justice seeking holding of elections to the Bar Council of J&K. If yes the copies of the representations may be provided and the steps taken on these representations and whether these stand disposed off. If yes the copies of the final orders so passed on the said representations with entire order sheet/notings.
10. Kindly provide the copy of the draft rules and approved rules for holding the elections of Bar Council in J&K.
11. The applicant wants the information as to why till date the Hon'ble High Court has not got the elections conducted to the Bar Council of J&K under the Advocates Act.? The applicant may be provided with the notings/communications/decisions/minutes of meetings recorded in this regard from time to time wherein the impediments to holding elections have been noted.

Feeling aggrieved of inaction on the part of the PIO, the appellant filed Ist appeal dated 18-05-2013 before the FAA/Registrar General, High Court of J&K. The learned counsel for the appellant has alleged in second appeal before the Commission that the FAA disposed of his appeal without providing him an opportunity of being heard which amounts to flagrant violation of rules of natural justice. The FAA being a quasi judicial authority is under a statutory obligation to dispose of an appeal after providing an opportunity of being heard to the parties concerned and also within the statutory period as envisaged under the RTI Act, 2009. The learned counsel for the appellant further apprised the Commission that Ist

appeal was disposed of only after he approached the Commission by way of filing second appeal dated 24-06-2013. After receiving the second appeal from the information seeker the Commission vide notice No:SIC/J/A/148/2628 dated 27-06-2013 directed the PIO to send counter reply within 7 days from the receipt of the notice. The PIO in compliance to the aforesaid direction informed the Commission vide office No: 1368 dated 19-07-2013 that the information sought by the appellant has been supplied to him vide office No: 9637 dated 10-07-2013.

During the course of proceedings held today, the learned counsel for the appellant acknowledged the receipt of the aforesaid letter and the information provided by the PIO. However, he pointed out that the information provided by the PIO is incomplete and not in conformity with the RTI application. The learned counsel for the appellant requested the Commission that the information relating to queries No:2,5,7,8,9 and 10 is altogether incomplete and it may be due to the fact that he has not been associated/heard by the FAA while disposing of first appeal. Had he been heard by the FAA, the entire confusion relating to incomplete nature of information so far provided to him may have been clarified before the FAA and consequently resolved. The learned counsel for the appellant requested the Commission that he may be given an opportunity to plead his case before the FAA so that if there is any confusion in resolving the issues raised by him that may be properly presented before the FAA and further requested that the matter may be remanded to the FAA with a direction to dispose it of after providing him an opportunity of being heard.

In view of the aforesaid factual matrix of the matter in hand and submissions of the learned counsel for the appellant, matter is hereby remanded to the FAA with a direction to dispose it of on merit after affording an opportunity of being heard to both the parties within 3 weeks

from the date of receipt of this order under an intimation to the Commission.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-
Dr. S.K. Sharma
State Information Commissioner

Anu (SS)

Copy to:-

1. First Appellate Authority / Registrar General, High Court of J&K, Jammu.
2. Public Information Officer / Registrar Judicial, High Court of J&K, Jammu.
3. Sh. A.K Sawhney, Advocate C/o Palace Road, Opposite CPO Jammu

(Satish Thaploo)
Asstt. Registrar
State Information Commission